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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Koichi Emura

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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT

PAPER NUMBER

2424

NOTIFICATION DATE

DELIVERY MODE

12/03/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/091,386	<b>Applicant(s)</b> EMURA ET AL.	
	<b>Examiner</b> MICHAEL VAN HANDEL	<b>Art Unit</b> 2424	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 40-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an Amendment filed 8/14/2009. Claims **40-54** are pending. Claims **40-45** are amended. Claims **1-39** are canceled. Claims **48-54** are new. Applicant's amendments to the specification have been entered.

### ***Response to Arguments***

2. Applicant's arguments regarding claims **40**, **43**, and **54**, filed 8/14/2009, have been considered, but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **40**, **41**, **43**, **44**, **46-54** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al. (of record)(US 2005/0060641)(Sezan I hereinafter) in view of Sezan et al. (US 6,993,789)(Sezan II hereinafter).

Referring to claims **40**, **43**, and **54**, Sezan I discloses a media distribution apparatus/method (p. 20, paragraph 206 & Figs. 2, 28), comprising:

- a storer that stores views of original media of content, and metadata for explaining the views, the metadata comprising a plurality of segments and describing viewpoint information and time information, the viewpoint information and the time information being assigned on a segment-by-segment basis (a program description scheme is utilized in an MPEG-7 format for describing media content, including a syntactic structure scheme 402, a semantic structure description scheme 404, a visualization description scheme 406, and a meta information scheme 408)(p. 3, paragraph 42; p. 9, 10, paragraphs 90, 91, 94-97; p. 16, paragraph 186; p. 17, paragraph 189; & Figs. 13-21);
- a request receiver that receives, from a client, a preview distribution request including identification information that identifies the content, the viewpoint information included in the metadata explaining the content, and desired time information that is input by the client, the identification information and the viewpoint information being selected from list information that is distributed in advance, the list information comprising the identification information, the viewpoint information of the content, and playback time information of the content (a search, filtering, and browsing (SFB) module is used to perform filtering, searching, and browsing of the programs on the basis of the information contained in the description schemes. For instance, a user may indicate to watch a five minute highlight of a sports game. The user can designate a length of time for a highlight)(p. 3-6, paragraphs 45, 53, 55; p. 8, paragraph 73; p. 13, paragraphs 137-141; p. 16, paragraph 184; p. 19, paragraphs 201, 202; & Figs. 7-12, 14);

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- a media extractor/generator that extracts, after the preview distribution request is received by the request receiver, from the metadata, a plurality of segments for making up a preview that is a summary and adapted to the viewpoint information included in the received preview distribution request with respect to content corresponding to the identification information included in the received preview distribution request, and dynamically generates the preview having a time length corresponding to the desired time information included in the received preview distribution request, by combining the views stored in the storer corresponding to at least one of the extracted plurality of segments so as to have the time length corresponding to the desired time information, using the time information assigned to the extracted plurality of segments (program analysis is performed based on user request. For example, if the user wishes to view a 5 minute video highlight, the analysis module may invoke a knowledge based system to determine the highlights that form the best 5 minute summary)(p. 5, 6, paragraphs 51, 53, 55; p. 7, paragraph 62; p. 9, 10, paragraph 94; p. 19, paragraphs 201, 202; & Figs. 7-14); and
- a media transmitter that transmits the generated preview to the client (user descriptions can be stored at a server and the content adaptation can be performed there. Preferred content would then be transmitted to the user)(p. 5, 6, paragraphs 53, 55 & p. 20, paragraph 206).

Sezan I further discloses retrieving the segments to create the highlight on the basis of Clip ids (p. 10, paragraph 94, 95). Sezan I does not specifically disclose that the Clip ids are keywords that are input by the client. Sezan II discloses a system that allows users to create customized

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summaries of programs (col. 3, l. 12-23). Events and Objects within the program are assigned descriptors for use in creating the summary (col. 4, l. 4-5, 25-55, 66-67 & col. 5, l. 1-2). This information is extracted and used in combination with user preferences input information to create the program summary (col. 7, l. 64-67). For example, a user may prefer to see a program summary containing clips of slam dunks by Michael Jordan only, whereas the description information may include information about any slam dunk in the game by any player (col. 8, l. 8-14). Similarly, the user may customize the summary generation to only include goals of one's own team in a soccer game or clips containing the lead actor or only news stories that are of interest (col. 3, l. 12-16). The user may also specify the length of the summary to be generated, such as a 10 minute versus a 20 minute summary (col. 3, l. 16-23 & col. 8, l. 14-18). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the highlight generation of Sezan I to allow a user to specify constraining the summary to only certain events, such as that taught by Sezan II in order to allow a viewer to efficiently customize their viewing of an audiovisual program (Sezan II col. 1, l. 59-60).

Referring to claims **41** and **44**, the combination of Sezan I and Sezan II teaches the media distribution apparatus/method according to claims 40 and 43, respectively, wherein a plurality of sets of the viewpoint information and priority of the viewpoint information, both assigned on a segment-by-segment basis, are assigned to the metadata (Sezan I p. 5, paragraph 52; p. 10, paragraph 95; & Figs. 14, 16).

Referring to claims **46** and **47**, the combination of Sezan I and Sezan II teaches the media distribution apparatus/method according to claims 40 and 43, respectively, wherein the

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viewpoint options are displayed to a user prior to generating the preview (length options)(Sezan I Fig. 10).

Referring to claims **48** and **51**, the combination of Sezan I and Sezan II teaches the media distribution apparatus/method according to claims 40 and 43, respectively, further comprising a request analyzer that determines whether a distribution request received from the client is a media distribution request or the preview distribution request for the content (the user may select the program or a highlight of the program)(Sezan I p. 8, paragraph 73 & Figs. 4-6, 10).

Referring to claims **49** and **52**, the combination of Sezan I and Sezan II teaches the media distribution apparatus/method according to claims 40 and 43, respectively, wherein the storer stores a plurality of metadata for the content (Sezan I Figs. 13-21).

Referring to claims **50** and **53**, the combination of Sezan I and Sezan II teaches the media distribution apparatus/method according to claims 40 and 43, respectively, wherein the generated preview is cached according to a frequency of access to a corresponding content (if the user selects a program from the column on the left hand side and a corresponding length, a preview is generated and stored)(p. 8, paragraph 73 & Fig. 10).

5. Claims **42** and **45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan I in view of Sezan II, and further in view of Russo et al. (of record).

Referring to claims **42** and **45**, the combination of Sezan I and Sezan II teaches the media distribution apparatus/method according to claims 40 and 43, respectively. The combination of Sezan I and Sezan II does not specifically teach a charger that does not charge for the preview or charges according to a length of the generated preview. Russo et al. discloses transmitting media

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content to a user without billing them (col. 5, l. 2-4). The user may enjoy the content free of charge until a predetermined amount of time of the content has been viewed. At this time a charge will take place (col. 10, l. 64-67). It would have been obvious to modify the combination of Sezan I and Sezan II to include charging a user for content after a certain length of media content has been viewed, such as that taught by Russo et al. in order to compensate a content provider for content viewing, while allowing a user to cancel a transaction if content viewing is terminated early (Russo et al. col. 2, l. 58-63).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art Unit  
2424

MV